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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/662,519	09/14/2000	Stephen Richard Lewallen	STL000005US1	2052

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EXAMINER

HOANG, PHUONG N

ART UNIT

PAPER NUMBER

2126

A2

DATE MAILED: 04/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/662,519

Applicant(s)

LEWALLEN, STEPHEN RICHARD

Examiner

Phuong N. Hoang

Art Unit

2126

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 - 42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 - 42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. Claims 1 – 42 are presented for examination.
2. The cross reference related to the application cited in the specification must be updated (i.e. update the relevant status, with PTO serial numbers or patent numbers where appropriate, on page 1, lines 11 – 14; the entire specification should be so revised).

Double Patenting

3. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

4. Claim 1 is provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of copending Application No. 09/567,836. Although the conflicting claims are not identical, they are not patentably distinct from each other because both computer systems converting the standard APIs in the first format to the user interface API in the second format. The difference between the 09/567,836 application and this case is the mapping which includes a middle object and a node object. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have included the middle object and a node object in this application because it provides a connection or link to map two formats.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

5. As to claims 2 – 42, they are rejected under the same rationale as claim 1 above.

6. Claim 1 is provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of copending Application No. 09/568,873. Although the conflicting claims are not identical, they are not patentably distinct from each other because both computer systems converting the standard APIs in the first format to the user interface API in the second format. The difference between the 09/568,873 application and this case is the user interface API manipulates a browser object. It would have been obvious to one of ordinary skill in the

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art at the time the invention was made to have included a browser to manipulate the object because browser provides a user-friendly way for user to interact with the application.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

7. As to claims 2 – 42, they are rejected under the same rational as claim 1 above.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. **Claims 1 – 2, 4 - 16, 18 – 30, 32 – 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Galea, US patent no. 6,404,445 in view of Cover “The SGML/XML Web Page” pages 1 – 4.**

10. Cover reference was cited in the last office action.

11. **As to claims 1 and 6**, Galea teaches a method for generating user interface output on an output device attached to a remote computer, wherein the remote computer communicates over a network to at least one server, comprising the steps of:

receiving an object including user interface components and data from one server (service configuration domain, together with user interface tagsdownloaded to clients, col. 5 lines 53 – 59);

generating user interface output from the user interface components and data in the object (the user interface is dynamically generated based upon compiled domain tags, col. 5 lines 55 – 59);

receiving interfaces in a first format from at least one server over the network (user interface tagsdownloaded to clients, col. 5 lines 53 – 59);

converting interface in the first format to a user interface API in a second format (the user interface is dynamically generated based upon compiled domain tags, col. 5 lines 55 – 59 and col. 11 lines 15 - 18); and

executing the user interface API in the second format to manipulate the object and generate further user interface output from the components and data in the object (once the compressed file is downloaded within client 106, col. 7 lines 17 – 22 and col. 10 lines 40 – 44) wherein the user interface output is controlled by the at least one remote server through the interface sent by the at least one server over the network (user interface can be manipulated at client after the compressed file comprising the user interface tags is downloaded, col. 10 lines 25 – 43 and col. 11 lines 20 – 32).

Galea does not explicitly teach user interface tag is a standard application program interfaces (API) that area member of a set of standard APIs.

Cover teaches the DOM provides a standard application program interfaces for XML (p. 1 and p. 4 second paragraph).

It would have been obvious to one ordinary skill in the art at the time the invention was made to combine the teaching of Galea and Cover's because Cover's DOM is well-known for providing a standard API to dynamically manipulate the user interfaces, and therefore, minimizing the communication back and ford between the servers and clients for transmitting data.

12. **As to claims 2 and 12**, Galea teaches the step of wherein the data included in the object includes at least one of text, images, and graphics (sale items, col. 5 lines 50 –55).

13. **As to claims 4 and 13**, Galea teaches the step of wherein the user interface output generates a web browser interface (browser, col. 7 lines 56 – 60).

14. **As to claims 5 and 14**, Cover teaches the step of wherein the object comprises a document object model (DOM) object and the standard APIs in the first format comprise W3C APIs (W3C DOMI, p. 4 second paragraph).

15. **As to claim 8**, Galea teaches the steps of wherein the object includes images of a product, wherein the received input at the server is to modify the presentation of the images of the product, and wherein the generated and transmitted standard APIs modify the presentation of the images of the product displayed in the generated user interface output at the remote computer (images to be displayed and updated, col. 5 lines 40 – 45 and col. 8 lines 20 – 23).

16. **As to claim 9**, Galea modified by Cover teaches the steps of transmitting the object to additional remote computers (Galea; service configuration domain, together with user interface tagsdownloaded to clients 106 and 108, col. 5 lines 53 – 59), transmitting the standard APIs in the first format to the additional remote computers (Cover, standard API, p. 1) that received the object to manipulate the objects on all the remote computers and control the generation of user interface output on the remote computers.

17. **As to claims 7 and 10**, Galea teaches the steps of receiving, at the server, input from one of the remote computers to manipulate the object to modify the user interface output (server received input or requests when user selects a new service or submit to purchase a product, col. 7 lines 20 – 22); generating, with the server, standard APIs to implement the manipulations to the object indicated in the received input; and transmitting the generated standard APIs to the remote computers to implement the manipulations of the object on the remote computers .

18. **As to claim 11**, it would have been obvious to one of ordinary skill in the art to modify data to be of an interactive lesson because it can let user learn more about on-line product.

19. **As to claim 15**, it is the system claim of claim 11. See rejection for claim 1 above. Further, Galea teaches a program logic (Java applet, col. 6 lines 60 – 65).

20. **As to claim 16**, see rejection for claim 2 above.

21. **As to claims 18 - 19**, see rejection for claims 4 - 5 above.

22. **As to claim 20**, it is the system claim of claim 6. See rejection for claim 6 above.

23. **As to claim 21**, see rejection for claim 7 above.

24. **As to claims 22 – 28**, see rejection for claims 8 – 14 above.

25. **As to claim 29**, it is the program claim of claim 1. See rejection for claim 1 above.

26. **As to claim 30**, see rejection for claim 2 above.

27. **As to claims 32 – 33**, see rejection for claims 4 – 5 above.
28. **As to claim 34**, it is the program claim of claim 6. See rejection for claim 6.
29. **As to claim 35**, see rejection for claim 21 above.
30. **As to claims 36 - 42**, see rejection for claims 22 – 28 above.
31. **Claims 3, 17, and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Galea, US patent no. 6,404,445 in view of Cover “The SGML/XML Web Page” pages 1 – 4, and further in view of Broulik, US patent no. 3223,881.**
32. **As to claims 3, 17, and 31**, Galea teaches the step of receiving user input the remote computer; generating user interface APIs in the second format to implement the user input; and executing the generated user interface APIs to manipulate the object and generate further user interface output from the components and data in the object (col. 7 lines 18 – 22).

However, Galea does not teach the step of the user input is the input commands.

Broulik teaches the step of the user input is the input commands (UI commands, col. 1 lines 45 – 50).

It would have been obvious to one ordinary skill in the art at the time the invention was made to combine the teaching of Galea, Cover, and Broulik's because Broulik's commands would provide more user-friendly interactive way of entering input.

Conclusion

33. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Beauchamp et al, US patent no. 6,621,505.

34. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phuong N. Hoang whose telephone number is (703) 605-4239. The examiner can normally be reached on Monday - Friday 9:00 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (703)305-9678. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ph
April 23, 2004



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